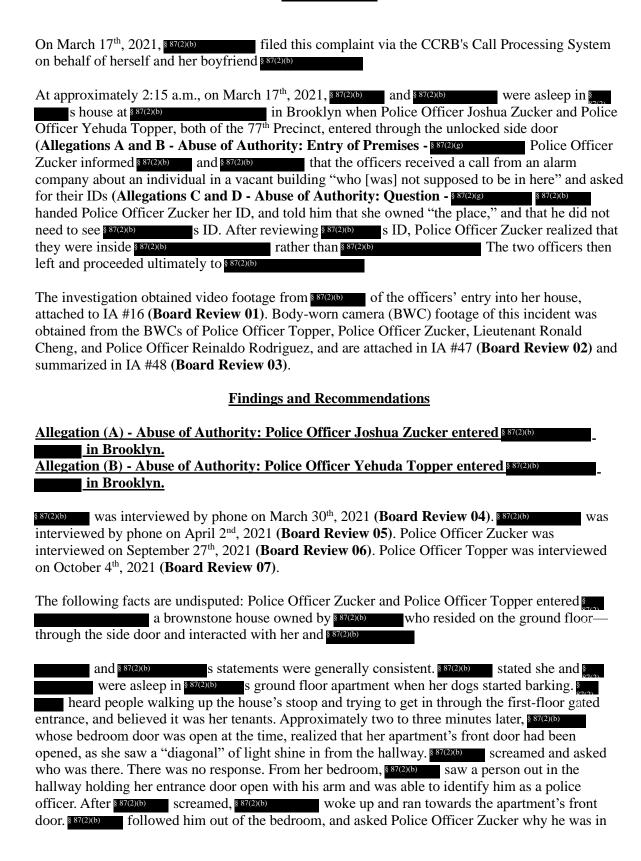
CCRB INVESTIGATIVE RECOMMENDATION

		1						
Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Julia Pagnamenta		Squad #2	202101737	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	I	Precinct:	18	Mo. SOL	EO SOL
Wednesday, 03/17/2021 2:15 AM		§ 87(2)(b)			77	9,	/17/2022	9/17/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	eived at CCI	RB
Wed, 03/17/2021 10:18 AM		CCRB	Call Processing System		Wed, 03/17/2021 10:18 AM			Л
Complainant/Victim	Type	Home Addre	ess					
Witness(es) Home Address								
Subject Officer(s)	Shield	TaxID	Command					
1. POM Joshua Zucker	15733	958202	077 PCT					
2. PO Yehuda Topper	00575	966371	077 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. LT Ronald Cheng	00000	936340	077 PCT					
2. POM Reinaldo Rodriguez	22946	935630	077 PCT					
3. POM Israel Dolce	18710	957552	077 PCT					
4. POF Jenia Goeloe	06076	967525	077 PCT					
Officer(s)	Allegatio	on .			Inve	stiga	ator Recon	nmendation
A.POM Joshua Zucker	Abuse: Police Officer Joshua Zucker entered in Brooklyn.							
B.PO Yehuda Topper	Abuse: Police Officer Yehuda Topper entered in Brooklyn.							
C.POM Joshua Zucker	Abuse: Police Officer Joshua Zucker questioned § 87(2)(b)							
D.POM Joshua Zucker	Abuse: Police Officer Joshua Zucker questioned § 87(2)(b)							

Case Summary



her apartment. Police Officer Zucker told her he was responding to a 911 call about a break-in at a vacant building, and \$87(2)(6) replied her house was not vacant.

Police Officer Zucker and Police Officer Topper's statements were generally consistent, and both stated they were on patrol when they responded to a 911 radio run from a security company who was monitoring a trespassing situation. Police Officer Zucker stated that the security company was monitoring a "situation on camera" at \$87(2)(b) in Brooklyn concerning a male using a "bathroom" who was not "supposed" to be at the location. After exiting their car, Police Officer Zucker stood on a curb and looked at a "typical brownstone" at \$87(2)(b) approximately 15 feet away from him and said it had been "difficult" to "make out" the digits in front of him. Both Police Officer Zucker and Police Officer Topper stated that they had used their eyes to try and find the address and had not relied on GPS. Police Officer Zucker noted that the address was not "properly displayed" at \$87(2)(6) as the "digits" were displayed in an approximately one inch "non-reflective" "box" in a "poorly lit" area. (Police Officer Zucker did not recall where on the house the digit "box" was displayed.) When the Investigator asked Police Officer Zucker if he had trouble seeing the numbers or had not seen the address display entirely, he replied that he did not recall. Police Officer Zucker and Police Officer Topper both stated that they tried to "ascertain" the job's address but had an "issue locating the address" due to "poor visibility."

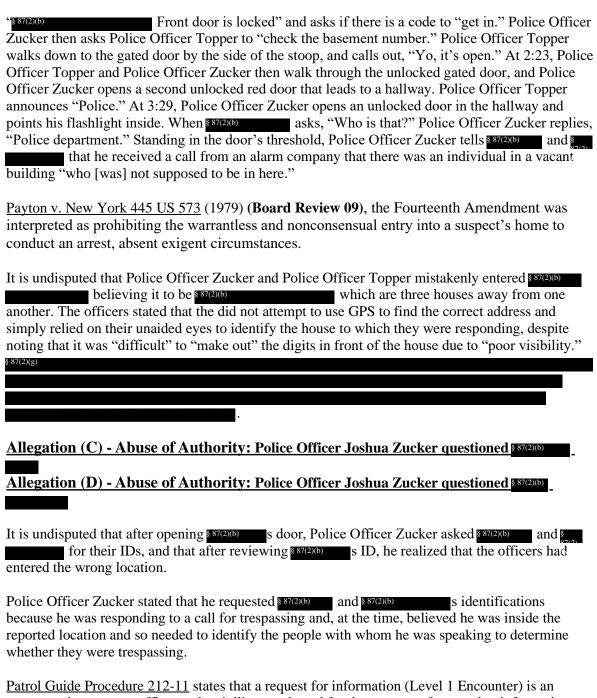
Police Officer Topper and Police Officer Zucker walked up to \$\frac{87(2)(6)}{2}\$ believing that the residence corresponded to the "job" they had received. Police Officer Topper stated that they had looked for the numerical address on the house but had not seen it before entering \$\frac{87(2)(6)}{2}\$ believing it was the correct address based on the "numerics" of the prior three houses they had seen on the even side of the block. He did know the exact numbers but explained that the cross-streets were "correct" and the "numerics added up."

Police Officer Zucker and Police Officer Topper both stated they first went up the brownstone's stairs. Police Officer Zucker tried entering through the front door, but when the door was locked, he asked the 911 dispatcher to get in contact with the security company to get more information about the entry. Police Officer Zucker then told Police Officer Topper to check the basement's ground floor door underneath the front door. When Police Officer Topper "checked" the basement's ground floor door and found that it was open, he motioned for Police Officer Zucker to come down. Police Officer Zucker was the first to enter. Police Officer Topper stated that the officers announced their presence by stating they were the "police" twice.

Police Officer Zucker and Police Officer Topper heard dogs barking through a closed "doorway" on the right side of the hallway and approached the doorway as "sounds" were coming from "that room." Police Officer Zucker then opened the door and interacted with \$87(2)(0) and \$87(2)(0) at the door's threshold.

The Event associated with this incident (**Board Review 08**) noted that when the job was first created at 2:01 a.m., the location was listed as strespass/Inside with the male perpetrator visible on camera in a vacant residential building. The job's address remained strespass/Inside with the male perpetrator visible on camera in a vacant residential building. The job's address remained strespass/Inside with the incident including at 2:08 a.m. when the officers were first supposed to have arrived at the location.

The BWC footage obtained from Police Officer Zucker and Police Officer Topper's BWCs (**Board Review 02**) captured the entire interaction with and and at runtime 1:10 in Police Officer Topper's BWC, Police Officer Zucker walks up the stoop at structure and says, After finding the entrance door locked, Police Officer Zucker speaks into his police radio and says,



Patrol Guide Procedure 212-11 states that a request for information (Level 1 Encounter) is an encounter between an officer and a civilian conducted for the purpose of requesting information from the civilian. The officer must have an objective credible reason to approach the civilian. The objective must be to gather information and not to focus on the person as a potential suspect. The officer may seek information related to the reasons the person was approached, such as name, address, and destination, if those questions are related to the objective credible reason for the approach. It defines objective credible reason as a reason based on more than a hunch or a whim. The reason to gather information may relate to a public safety function or a law enforcement function but need not be based on any indication of criminality (**Board Review 10**).

According to <u>People v. De Bour</u>, 40 N.Y.2d 210 (1976), in absence of any concrete indication of criminality, police officers can ask an individual non-threatening questions if they have an objective

credible reason to do so. <u>People v. De Bour</u> further indicated that police officers should not be unrealistically restricted from approaching individuals for information (**Board Review 11**).

§ 87(2)(g)			
	<u>Civilian and O</u>	fficer CCRB Histories	
12).Police subject	t in seven other CCRB complaintiated.	n a member-of-service for six years nts and 14other allegations, one of 1 force was substantiated against Po	which was
subjec	t in three other CCRB complain ntiated. §87(2)(g)	en a member-of-service for three years and six other allegations, none of	
on No		sent to the New York City Office ve Notice of Claim will be added to	
Squad:	2		
Investigator:	Julia Pagnamenta Signature	Inv. Pagnamenta Print Title & Name	11/08/2021 Date
Squad Leader:	Alexander Opoku-Agyemang Signature	IM Alexander Opoku-Agyemang Print Title & Name	11/8/2021 Date
Reviewer:	Signature	Print Title & Name	Date